

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TYRONE NOEL NUNN,

Plaintiff

Case No. 3:23-cv-00541-ART-CLB

ORDER

v.

ELY STATE PRISON, et al.,

Defendants

On November 6, 2023, Plaintiff Tyrone Noel Nunn, an inmate in the custody of the Nevada Department of Corrections, submitted a document doubly titled “Ex Parte Motion” and “Civil Complaint.” (ECF No. 1-1). The Court construes Plaintiff’s initiating document as a complaint because it contains substantially all the information called for by the Court’s form civil-rights complaint and Plaintiff personally signed it. Nev. Loc. R. LSR 2-1; Fed. R. Civ. P. 3, 11(a). But this action cannot proceed because Plaintiff has neither paid the full \$402 filing fee nor applied to proceed *in forma pauperis*.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See *id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. LSR 1-2. *In*

1 *forma pauperis* status does not relieve an inmate of his or her obligation to pay the filing
2 fee, it just means that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 For the foregoing reasons, it is ordered that Plaintiff's initiating document (ECF
4 No. 1-1) is construed as both a motion and a complaint.

5 It is further ordered that **on or before Monday, January 15, 2024**, Plaintiff will
6 either pay the full \$402 filing fee or file a fully complete application to proceed *in forma*
7 *pauperis* with all three required documents: (1) a completed application with the inmate's
8 two signatures on page 3, (2) a completed financial certificate that is signed both by the
9 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
10 statement for the previous six-month period.

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 he fails to timely comply with this order. A dismissal without prejudice allows Plaintiff to
13 refile the case with the Court, under a new case number, when he can either pay the
14 required filing fee or file an application to proceed *in forma pauperis*.

15 It is further ordered that the Clerk of the Court will update the docket to reflect that
16 ECF No. 1-1 is both a motion and a complaint and send Plaintiff Tyrone Noel Nunn the
17 approved form application to proceed *in forma pauperis* for an inmate and instructions for
18 the same.

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20 DATED this 16th day of November 2023.

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22 _____
23 UNITED STATES MAGISTRATE JUDGE
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